THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7143 of 2006

13.04.2006

Between:

The President, A.P.Government Vehicle Dreivers Association, Warangal District and others.

...Petitioners

Vs.

The Government of A.P., rep. by its Secretary, Revenue (Assn.II), Department, Secretariat Buildings, Hyderabad and others.

...Respondents

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ORDER:

The President of A.P.Government Vehicle Drivers' Association (the Association, for brevity) and ten Government drivers, who are claiming themselves to be the members of the Association, filed the instant writ petition. They seek a writ of Mandamus declaring the action of the fifth respondent, namely, Mandal Revenue Officer, Hanamkonda in trying to interfere with the possession of the petitioners' plots in Survey Nos.54/1 and 54/2 admeasuring Acs.5.03 guntas situated at Waddepally village as illegal and unconstitutional. A consequential direction is also sought to respondents 1 and 2 to finalise the alienation proposals in favour of the members of the petitioners' association.

The first petitioner Association approached the third respondent, namely, the District Collector, in 1984 seeking allotment of land for house sites to the members of the association. It is the case of the petitioners that the application was forwarded to the Government, who also called for a report by Memo No.18159/Assn.II-2/05, dated 26.04.2005, and the alienation proposals are pending. It is also the case of the petitioners that in respect of the land admeasuring Acs.5.03 guntas in survey Nos.54/1 and 54/2, the sixth respondent also approved a layout and some of the members constructed houses after obtaining loans. However, it is alleged that the fifth respondent in highhanded manner demolished the temporary structures and also threatened to evict the members of the petitioners Association with a view to alienate the land to the owners of the adjoining land.

At the time of admission itself, the learned Assistant Government Pleader for Revenue (Assignment) submits that the Mandal Revenue Officer initiated action against some persons, who encroached upon the Government land in Survey Nos.54/1 and 54/2 under A.P.Land Encroachment Act, 1905 and issued notices. Assailing the said notices, the President of A.P.Government Vehicle Drivers' Association filed W.P.No.8852 of 2005 and this Court, while admitting the writ petition, ordered *status quo* as to possession. Therefore, he submits that in view of the *status quo* orders, Mandal Revenue Officer has never interfered with the matter. He also denies the allegation that the fifth respondent demolished the temporary structures.

Learned counsel for the petitioner, however, submits that W.P.No.8852 of 2005 was filed by another rival association and therefore, the same has no bearing on the issue in this writ petition. This Court is afraid when the respondents stated before this Court that they never interfered with the matter in view of the interim orders of this Court, this writ petition is only misconceived. If so advised, the A.P.Government Vehicle Drivers' Association may file a contempt case in the pending writ petition, if there is any allegation of violation of the interim orders.

Insofar as the relief of directing the Government to alienate the land is concerned, even according to the learned counsel for the petitioners, the Government of A.P. has already called for a report from the District Collector by its Memo, dated 26.04.2005, and therefore, no further orders are necessary in this regard.

The writ petition is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

13.04.2006

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